



## City of Seattle

Gregory J. Nickels, Mayor

### Department of Planning and Development

Diane M. Sugimura, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Number:** 3004000

**Proponent Name:** Brittani Ard

**Address of Proposal:** 813 NW 97<sup>th</sup> St

### **SUMMARY OF PROPOSED ACTION**

Land Use Permit to approve construction of three, two-unit townhouse structures with parking for six vehicles located within the structures. Existing triplex to be demolished.

The following approval is required:

**SEPA - Environmental Determination** pursuant to SMC 25.05

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction

### **BACKGROUND DATA**

#### Site & Area Description

The subject site is on the southern block front of NW 97<sup>th</sup> St. The site is rectangular with a 59' width and depth of 152'. The site encompasses a land area of approximately 8,997 square feet, located in a Multifamily Lowrise One and Lowrise Two zones (L-1 and L-2) with a respective density limit per unit of 1,600 and 1,200 square feet of lot area. The site is not mapped as an Environmentally Critical Area. The site slope rises 2' towards the east and contains an apartment structure. Some trees, shrubbery and grass currently cover the site. NW 97<sup>th</sup> St is improved with a 22' paved roadway.



### Proposal

The development site proposal is the demolition of an apartment building and the construction of three, three-story, two-unit townhouse structures (total of six units). The three structures are configured in three rows; with one 2-unit townhouse structure on the northern portion of the site, one 2-unit townhouse on the central portion of the site and the one 2-unit townhouse structure on the southern portion of the site, facing each other across interior open space areas. All of the parking is provided within the structures and is accessed from an eastern driveway from NW 97<sup>th</sup> St.

### Public Comment

During the public comment period, which ended March 8, 2006, DPD received no written comment from the public related to the proposal.

### ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated January 10, 2006) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations/circumstances, (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Additionally, given the relationship of this project and an adjacent project to the east by the proponent (refer to MUP project 3003995) the discussion below will consider the cumulative impacts of simultaneous developments the need for mitigation. (SMC 25.05.670 Cumulative effects policy).

### Short -Term Impacts

The following temporary construction-related impacts are expected on this site and the site to the east: construction dust and temporary soils erosion; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due

to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted. City codes and/or ordinances apply to this proposal and the eastern proposal and will provide adequate mitigation for some of the identified impacts. Specifically these are: 1) Grading and Drainage Control Ordinance (storm water runoff, temporary soil erosion, and site excavation) and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction).

#### Air Quality Impacts

Construction on this site and the site to the east will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities, which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne.

The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Notice of the demolition of the existing residential structure is required by the PSCAA and the proposed demolition is subject to all applicable regulations and practices required by the PSCAA.

#### Noise-Related Impacts

Although compliance with the Noise Ordinance is required, due to the presence of some nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to

these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary on this site and the eastern site. Therefore, as a condition of approval, the proponent will be required normally to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, and Christmas Day).

### Street and Sidewalks

The proposed on-site excavation on this site and the eastern site is controlled by an excavation permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation (SDOT). It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

This area of the City is known to have congested streets, especially during peak hour traffic periods. Large construction vehicle associated with demolition, excavation and materials delivery may adversely impact peak hour traffic. There are no City codes or ordinance to address the impact of large vehicles or highly congested streets. As a result, mitigation is warranted as described below.

Construction activities may result in sidewalk closures or other obstacles to pedestrians. Similarly, traffic lanes may be affected by construction staging, deliveries, etc. The impacts on pedestrians and traffic circulation could be intensified by the cumulative effects of the two projects. Adverse impacts are not adequately mitigated by existing City codes. Thus, additional mitigation is warranted pursuant to the Construction Impacts Policy (SMC 25.05.675B) and Cumulative Effects Policy (SMC 25.05.670). A construction-phase transportation plan addressing street and sidewalk closures, as well as truck routes and hours of truck traffic, will be required to mitigate identified impacts.

Short term impacts are associated with the construction of the structures and have been analyzed and discussed with no further conditioning is warranted.

### Long-term Impacts

Potential long-term or use impacts anticipated by this proposal and the western proposal include: increased bulk on the site; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting, light from windows and from vehicle traffic (headlights); increased traffic and parking demand due to employees and visitors; increased airborne emissions resulting from additional traffic; increased demand on public services and utilities; and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion.

The long-term impacts are typical of multi-family structures and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts that may result in the long-term are discussed below.

### Bulk and Scale

The design of each of the three buildings (containing six units) is similar in proportion and materials. As viewed from the north, south, east and west, the buildings will have pitched roofs, trimmed windows, horizontal siding, with a banding treatment that emphasizes the structures base from the upper stories, clearly identifiable residential entrances, and modulation. These design elements break up the appearance of bulk of the facades and will mitigate the height, bulk, and scale impacts of the structures. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

### Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that the proposed six dwelling units would generate approximately six vehicle trips per day. The availability and proximity of transit to downtown employment centers will make it likely that there will be fewer vehicle trips from developments in outlying areas on which the ITE generation equation is based. The amount of traffic expected to be generated by the proposed project is within the capacity of the streets in the immediate area, so no SEPA mitigation of traffic impacts is warranted.

### Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be below capacity and on-street parking can be found during the daytime or evening hours. Six off-street parking spaces will be provided at the development site designated for each of the six units for a parking ratio of one space per unit, which meets code requirements and is expected to accommodate parking demand generated by the six dwelling units most of the day. Parking is unrestricted in the area and NW 97<sup>th</sup> St is expected to handle the small amount of spill-over parking. On-street parking capacity in the surrounding area is sufficient to meet any additional spill-over parking. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

## CONCLUSION – SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

## **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2)(C).

## **CONDITIONS – SEPA**

### *Prior to the Issuance of a Demolition/Construction Permit*

1. Prior to the commencement of demolition activities, the proponent will be required to submit a copy of the Puget Sound Clean Air Agency (PSCAA) notice of construction. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.
2. A construction-phase transportation plan addressing street and pedestrian walkway closures, as well as truck routes and hours of truck traffic, will be required to mitigate impacts between 8:00 a.m. to 10:00 a.m. and 4:00 p.m. to 6:00 p.m. during demolition and excavation activities.

### *During Construction*

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

3. The applicant will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day following Thanksgiving Day and Christmas Day).

4. Sidewalks along NW 97<sup>th</sup> St shall be closed only as necessary to ensure public safety and as required to complete work within and adjacent of the right-of-way. A determination by SDOT that closure of this sidewalk is temporarily necessary, for structural modification or other purposes, shall overrule this condition.
5. Comply with the limitations contained in the approved construction-phase transportation plan.

Signature: (signature on file)  
Colin R. Vasquez, Senior Land Use Planner  
Department of Planning and Development

Date: May 29, 2006

CRV:ga

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